

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License)	NO. CR 2010-00947
to Conduct Gambling Activities of:)	
)	
Donna Hjelm)	NOTICE OF ADMINISTRATIVE
Clarkston, Washington)	CHARGES AND OPPORTUNITY
)	FOR AN ADJUDICATIVE
Licensee.)	PROCEEDING
_____)	

I.

The Washington State Gambling Commission issued Donna Hjelm the following license:
Number 68-24653, authorizing Card Room Employee activity with Z's Restaurant at Zeppoz in Pullman.

The license expires on January 7, 2011, and was issued subject to Donna Hjelm's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Donna Hjelm with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230:

- 1) On June 14, 2010, Donna Hjelm was charged with two counts of Assault in the Third Degree, Driving Under the Influence (DUI), and Obstructing a Law Enforcement Officer. While being arrested for DUI, Ms. Hjelm physically fought with and tried to bite a police officer. After she was arrested, Ms. Hjelm was transported to a hospital. On the way to the hospital, Ms. Hjelm bit, kicked, and dug her fingernails into a police officer and a paramedic.
- 2) On July 30, 2010, the licensee disclosed to Commission staff that on July 12, 2010, she was convicted of one count of Assault in the Third Degree and DUI. Ms. Hjelm was sentenced to pay fines and restitution, serve jail time, which was converted to community service, and serve 24 months of unsupervised probation. These convictions establish that Ms. Hjelm poses a threat to the effective regulation of gaming and has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).
- 3) Therefore, under RCW 9.46.075(1), (4), and (8) and WAC 230-03-085(1), (2), (5), and (8), grounds exist to revoke Donna Hjelm's license.

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RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein, (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (4) Has been convicted of a crime, whether a felony or misdemeanor involving physical harm to individuals.
- (8) Fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization, (The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (2) Has been convicted of or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.
- (5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4).
- (8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

Dated at Olympia, Washington this 1st day of September 2010

Marissa Patel Communications and Legal Department
Washington State Gambling Commission

David E. Traylor for
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 1 day of September, 2010.

Michelle M. Pardee
NOTARY PUBLIC in and for the State of

Washington residing at Acad

My commission expires on June 16, 2013

